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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/269,684	03/30/1999	HAROLD BLATTER	RCA88423	1433

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EXAMINER

CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
2615	10

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Am

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/269,684	BLATTER ET AL.
	Examiner	Art Unit
	Bob Chevalier	2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 27 January 2003.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 6-10 and 15-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 9,10 and 15-19 is/are allowed.

6) Claim(s) 6-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 30 March 1999 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Masako et al as set forth in the previous Office Action mailed out on 6/5/02 (Paper No. 5).

***Response to Arguments***

3. Applicant's arguments filed 1/27/03 have been fully considered but they are not persuasive.

Regarding the Applicant's argument in that the cited reference of Masako et al fails to disclose the feature of the second transducing means for recording and reproducing a reference signal which includes an I frame identifying signal generated responding to the I frame indicating signal as claimed, Examiner disagrees. It is to be noted that the feature of the second transducing means for recording/reproducing the reference signal argued by Applicant is a present characteristic of Masako et al. Because, Masako et al discloses the capability of recording Intraframe data on the recording medium using transducing means. And that, one of ordinary skill in the art would readily recognize that intraframe data can also be called reference signal, since it is notoriously well known in the art that intraframe data can be used as a reference for the decoding of interframe data. Moreover, the Masako et al's disclosed transducing means is read on the claimed second transducing means argued by Applicant, since,

the claimed second transducing means is not a predetermined second transducing means, and also, said second transducing means is not necessarily different from the first transducing means specified in the claimed invention, based on the manner it is recited in the claimed invention.

Furthermore, it is also noted that the Masako et al's reference does disclose the capability of recording with the reference signal (intraframe data) identifying signal generated based on an I frame indicating signal. Because, Masako et al discloses the detection of intraframe data in the input bit stream and the capability of recording the intraframe data together with discrimination data for discriminating intra frame and non intraframe data at reproduction time. Applicant's attention is directed to Masako et al's page 18, line 31, to page 19, line 18.

Regarding the Applicant's argument in that Masako et al fails to disclose the feature of stored play and fast play reproducing sequence responsive to the identifying signal as claimed, Examiner disagrees. It is noted that such a feature argued by Applicant is considered to be disclosed in Masako et al's page 20, line 5, to page 21, line 12, where the reference discloses identifying data for reproduction during normal and trick play operations.

4. Claims 9-10, and 15-19 contain allowable subject matter over the prior art of record.

#### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

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B. Chevalier  
March 26, 2003

*Robert Chevalier*  
ROBERT CHEVALIER  
PRIMARY EXAMINER